

December 23, 2001

Tim Guler, Chairperson
East Central Special Education Unit
430 1st Avenue N
New Rockford ND 58356-1799

Dear Mr. Guler:

The North Dakota Department of Public Instruction (NDDPI) Office of Special Education conducted a Verification Review in the East Central Special Education Unit during October 8-10, 2001 for the purpose of assessing compliance in the implementation of the Individuals with Disabilities Education Act (IDEA) and assisting your Unit in developing strategies to improve results for children with disabilities. The IDEA Amendments of 1997 (IDEA 97) focus on access to services as well as improving results for children and youth with disabilities. In the same way, the Continuous Improvement Monitoring Process implemented by NDDPI is designed to focus federal, state, and local resources on improved results for children with disabilities and their families through a working partnership among NDDPI, the East Central Special Education Unit, parents and stakeholders.

In conducting its review of the East Central Special Education Unit, NDDPI applied the standards set forth in the IDEA 97 statute and Part B regulations (34 CFR Part 300), as they were in effect at the time of the review. On March 12, 1999, the United States Department of Education published new final Part B regulations that took effect on May 11, 1999. In planning and implementing improvement strategies to address the findings in this report, the East Central Special Education Unit should ensure that all improvement strategies are consistent with the new final regulations.

The enclosed report addresses strengths noted during the review, areas that require corrective action because they represent noncompliance with the requirements of the IDEA, and suggestions for improvements that will lead to best practice. Enclosed you will find an Executive Summary of the report, background information, and a description of issues and findings. NDDPI will work with you to develop corrective actions and improvement strategies to ensure improved results for children with disabilities.

Thank you for the assistance and cooperation provided by the East Central Special Education staff and Steering Committee members during our review. Throughout the course of the review, Joan Miller, Director of Special Education, was responsive to requests for information and assistance from NDDPI personnel.

Thank you for the continued efforts toward the goal of achieving better results for children and

youth with disabilities in North Dakota. Since the enactment of IDEA and its predecessor, the Education of All Handicapped Children Act, one of the basic goals of the law, ensuring that children with disabilities are not excluded from school, has largely been achieved. Today, families can have a positive vision for their child's future.

While schools have made great progress, significant challenges remain. Now that children with disabilities are receiving services, the critical issue is to place greater emphasis on attaining better results. To that end, we look forward to working with the East Central Special Education Unit in partnership to continue to improve the lives of individuals with disabilities.

Sincerely,

Robert C. Rutten
Director of Special Education

cc: Joan Miller, Director
East Central Special Education Unit

Enclosure

EXECUTIVE SUMMARY

EAST CENTRAL SPECIAL EDUCATION UNIT

The attached report contains the results of the first two phases (Collaborative Review and Verification Review) of the North Dakota Continuous Improvement Monitoring of the Individuals with Disabilities Education Act (IDEA), Part B, in the East Central Special Education Unit during the 2001 – 2002 school year. The process is designed to focus resources on improving results for children with disabilities and their families through enhanced partnerships among the North Dakota Department of Public Instruction (NDDPI), the East Central Special Education Unit, parents and stakeholders.

Several means were used in the monitoring process to gather data, review procedures and determine the extent to which the East Central Special Education Unit is in compliance with federal and state regulations.

The Collaborative Review phase of the monitoring process included the completion of a self-assessment by the East Central Special Education Steering Committee. This committee included a principal/regular education teacher/board member, speech pathologist, special education teacher, an educational strategist, and the special education director. The East Central Special Education Unit identified four self-assessment activities as part of its Collaborative Review:

1. Parents, students with disabilities, school staff, including special education paraeducators, both general and special educators, general education administrators, and involved agencies were surveyed regarding their satisfaction with the East Central Special Education Unit. Survey forms were adapted from models supplied by NDDPI.
2. Files of 35 students (24%) were reviewed for compliance with the IDEA utilizing a form provided in the NDDPI document, *Special Education Monitoring Manual: Collaborative Review Process*. Additional items of concern to committee members were added to the form.
3. Compliance worksheets supplied by NDDPI were used to analyze East Central Special Education Unit compliance with the following six basic principles of the IDEA:

Zero Reject – This is the requirement that all children with disabilities be provided with a free appropriate public education (FAPE).

Nondiscriminatory Assessment – A child with a suspected disability must receive a full, individualized assessment, which meets specific standards, and includes information from a variety of sources.

Free Appropriate Public Education – An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, develops an educational program tailored to meet the child's unique needs.

Least Restrictive Environment – To the maximum extent appropriate, children with disabilities should be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives.

Parent Involvement – Parents have the right to have access to their child's educational records; parental consent is required for initial evaluation, reevaluation, and placement; parents must be included in IEP team decisions; and, parents must be notified of their right to appeal.

Procedural Safeguards – Procedural safeguards ensure the fairness of educational decisions and include impartial due process hearings; the right to an independent educational evaluation; written notification to parents explaining their rights; parental consent, and appointment of surrogate parents, when needed.

4. Programmatic issues were analyzed to ensure that data gathered through the self-assessment were reflective of all schools and programs within the unit.

The Verification Review conducted by the ND Department of Public Instruction included an on-site meeting with the East Central Special Education Steering Committee and the Department's staff. Interviews with school administrators, general educators, and special educators were conducted during the verification review visit on October 8-10, 2001. Focused reviews were completed for 20 special education records following the compliance issues reported by the local special education Steering Committee in their self-assessment report. Information obtained from these data sources was shared in a meeting on October 10, 2001 that was attended by staff from the East Central Public Schools Special Education Steering Committee and staff from the ND Department of Public Instruction.

The Department of Public Instruction staff members express their appreciation to the administrators, special and general education personnel, students and parents, and other agency personnel in the East Central Special Education Unit who participated in the monitoring activities. Their efforts represent a commitment of time and energy without which the multipurpose task of monitoring could not be completed.

This report contains a description of the process utilized to collect data, and to determine strengths, areas of noncompliance with the IDEA, and suggestions for improvement in fully realizing the six basic principles of the Individuals with Disabilities Education Act.

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT, PART B
COLLABORATIVE REVIEW PROCESS
REPORT OF THE VERIFICATION REVIEW TEAM,
NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION,
TO EAST CENTRAL SPECIAL EDUCATION UNIT
DECEMBER 23, 2001**

The NDDPI observed the following strengths and areas of noncompliance of the East Central Special Education Unit during its review of desk audit information and the East Central Self Assessment Report, and the on-site student file review and interview activities.

Strengths

- Commendations are given to the East Central Special Education Unit for the quality and thoroughness of their self-assessment. The analysis of strengths and weaknesses across the unit was aligned closely with what the ND Office of Special Education monitoring team found. Similar issues were identified in both the self-assessment and this monitoring report.
- The East Central Special Education staff was described as supportive, trusted, accessible and dedicated professional service providers. Comments in the interviews conducted by the NDDPI Verification Review Team members included indications that the director, Joan Miller, is an asset to the school districts and the unit. Positive collaboration between special education and general education staff was noted.
- An abundance of training is provided in a variety of formats to increase the knowledge and improve the skills of educators, service providers, and parents
- Positive feedback from parents indicating satisfaction with school services was noted. A commitment to involve parents in a meaningful way in their children's education was apparent.
- Transition is a strength for the unit. Student input in transition was evident.
- When reviewing the 1995 monitoring report and the compliance issues noted, it is evident that the East Central Special Education Unit has made significant improvement and has addressed the areas of need that were previously reported.

Areas of Noncompliance

- Lack of full IEP Team membership and participation was evident in some instances.
- Inadequate documentation to verify that evaluations were complete and that integrated written assessment reports included all required components essential to make an eligibility determination, including when specific learning disabilities were suspected.
- Inadequate documentation on Individualized Education Programs (IEPs) was noted in the area of annual goals.

EAST CENTRAL SPECIAL EDUCATION UNIT MONITORING REPORT
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INTRODUCTION

Background, Administrative Structures, and Children Served

The East Central Special Education Unit Self-Assessment Report contains essential background information describing the unit's structure. The East Central Special Education Unit is comprised of five school districts, which include Carrington, Kensal, New Rockford, Oberon, and Sheyenne. Prairie View Seventh Day Adventist School, located in Carrington, includes students in Grades 1-8. The total ADM is 1392. Four school districts have K-12 classes, while Oberon is a K-8 district. Child Count for the year 1999 was 145. Approximately 75 students are assessed each year, either as a new referral or as a three-year reevaluation.

The Unit is governed by a seven-member board of directors, with board representation determined by each respective school district. The unit employs all certified and non-certified staff with the exception of one resource room teacher. In addition, East Central has a cooperative agreement with Lake Region Special Education and shares a school psychologist who works in the unit one day per week. The unit also has a working arrangement with the Carrington Health Center to provide physical therapy or clinical psychology services.

The Central Office is located in downtown New Rockford. In addition to the instructional staff, there is a central office staff consisting of a Business Manager, Social Worker, Vocational Transition Coordinator, Occupational Therapist, and Director. The central office building also houses the Eddy County Public Health Nurse, the homebased Headstart for Eddy-Foster Counties, and the Mother Goose Preschool (private). These groups all participate in Child Find activities. Central office personnel have served on Early Childhood Tracking Teams (Eddy-Foster and Fort Totten) and county Child Protection Teams for Eddy, Foster, Stutsman and Benson Counties. The unit has also served students who reside in therapeutic foster homes in the Carrington School district.

More information on the East Central Special Education Unit can be found on their web site at www.ecsped.k12.nd.us.

Collaborative Review Process

The East Central Special Education Unit began the collaborative review process in September 2000. A Steering Committee was selected; it included the special education director, a principal/regular education teacher teacher/board member, speech pathologist, specific learning disabilities teacher and an educational strategist. Each member of the Steering Committee was invited to participate in the training in Bismarck sponsored by the Department of Public Instruction in September 2000. The Steering Committee met regularly to plan, evaluate, and coordinate all activities involved in the collaborative review process and the development of the East Central Self-Assessment Report. In addition to the local monitoring committee meetings, the Special Education Director collaborated with two other unit directors also participating in the self-assessment process.

Activities completed by the Steering Committee involved review and revision of NDDPI forms (record review and surveys) to tailor them to East Central Special Education Unit terminology, and information sharing sessions with the unit's professional staff and the unit board. Surveys were conducted for six groups: parents, administrators, special education staff, general education staff, students, and community agencies. Following compilation of data, the Steering Committee completed the review of programmatic issues. Subsequently, unit strengths and needs were identified.

The Self-Assessment Report was submitted to NDDPI in September 2001. The report describes the planning activities, implementation process, and summary of findings including strengths and needs identified by the Steering Committee. It presents data gathered by student record review, survey information from parents, students with disabilities, and general and special education staff, and compliance worksheets used to analyze compliance with IDEA. A desk audit included a copy of the most recent Unit Procedural Manual and amendments, a listing of special education staff and their credential areas, a copy of the Unit's Comprehensive System for Personnel Development Plan, a listing of the number of families of children with disabilities involved in home education and/or private schools, and a copy of the Unit's Eligibility Document.

Verification Review and Data Collection

NDDPI visited school districts in the East Central Special Education Unit on October 8-10, 2001, for the purpose of collecting data to verify information provided through the Collaborative Review process, including new requirements under the IDEA Amendments of 1997. NDDPI staff members met with the East Central Special Education Steering Committee to review the Collaborative Review process, discuss the Self-Assessment Report and identify sites to be visited during the Verification Review. NDDPI staff visited four of the five school districts that receive services from the East Central Special Education Unit. NDDPI staff interviewed 18 special and general education staff and administrators. Student record reviews, including Individualized Education Programs (IEP's) and Integrated Written Assessment Reports (IWARs) were conducted at the unit office. Interviews were conducted with ten special education staff members responsible for developing and implementing IEPs, five general education staff members who teach children with disabilities in their classrooms, and three general education administrators. Preliminary results and findings were presented to the Special Education Steering Committee in a summary meeting at the end of the Verification Review visit.

Improvement Planning

In response to this report, the East Central Special Education Unit will develop an action plan including specific Improvement Strategies addressing areas identified as noncompliant, within 60 days of receipt of this report. The NDDPI special education regional coordinator assigned to the East Central Special Education Unit will serve, as needed, as a resource for improvement planning purposes, and will respond in writing to indicate approval of Improvement Strategies submitted by the unit. The regional coordinator may be contacted for suggested formats to be used for development and documentation of Improvement Strategies.

Report Organization

The remainder of this report presents information in each of six areas, which reflect the six principles of the Individuals with Disabilities Education Act (IDEA). They are zero reject, nondiscriminatory evaluation, free appropriate public education, least restrictive environment, parent involvement, and procedural safeguards. Each section describes strengths and concerns reported in the East Central Self Assessment Report; areas of strength identified by the NDDPI Verification Review team through interviews and student file review, and other sources; areas of noncompliance; and suggestions for improved results for children.

It should be noted that as a general rule, noncompliance will be cited when a violation is found in 15 percent or more of the student files or other review data. However, some violations are considered so serious as to be cited if even one incident is noted. Violations of this nature include, for example; not conducting an assessment before placement, or lack of evidence of parent consent, or other critical information that must be maintained in a student's file.

Suggestions for improved results for children do not require a formal response from the unit. However, the NDDPI encourages the East Central Special Education Unit to consider the suggestions for further study as a means of strengthening the system of services to children with disabilities.

I. ZERO REJECT

All children with disabilities, and those who are in need of special education and related services, must be identified, located, evaluated, and provided with a free appropriate public education.

Procedures are in place for the identification of students with disabilities ages 3-21. As reported through the East Central Special Education Unit Eligibility Document, the Unit participates in ongoing efforts to identify, evaluate, and serve children with disabilities. Project Child Find is conducted each September at the state and local level. The East Central Special Education Unit works in cooperation with a variety of state agencies as well as involves school districts in their Child Find efforts.

The East Central Self-Assessment Report identified prereferral services as an area of needed improvement, citing inconsistencies in the implementation of the Building Level Support Team (BLST) process, which in turn may impact the evaluation process. The Improvement Plan for Special Education included in the Self-Assessment Report identifies the need for all Unit schools to implement activities in building level support teams in order to provide students with interventions prior to referral and also to support general educators with instructional delivery.

During the interviews that NDDPI conducted as part of the Verification Review, respondents were asked to “Describe the BLST (Building Level Support Team) activities in your school.” Further probes included questions regarding consistency of team membership, team function, notification of parents, team record keeping procedures, and the time line from referral to the time of referral for a special education evaluation. Those interviewed were knowledgeable of the process, which is viewed as having become increasingly more effective over time and involving parents to a greater extent. Variability among schools was noted, however. Some districts had very effective BLST activities while others appear to be lagging in this process.

IDEA Part B Child Find obligations extend until students graduate from high school. Therefore it is the responsibility of the special education administrative unit to promote effective strategies to identify any school-age child who has a disability and may require special education and related services. This includes students who are at risk for dropping out of school. The East Central Special Education Unit has a procedure in place to follow up on all drop-outs with services offered and alternative options proposed.

NDDPI reviewed and analyzed the data and identified the following strengths and suggestions for improvement.

STRENGTHS

The BLST process is in place in East Central schools and is viewed as valuable in assisting teachers to develop intervention strategies that meet the needs of children. It is increasingly being accepted as a responsibility of general education, rather than as a first step in accessing special education services.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Through interviews, it was noted that while the BLST procedures are in place, documentation is limited. NDDPI encourages a close examination of how documentation occurs at each school. A few of the schools indicated that they discuss ideas and strategies in an informal setting. These schools must provide alternative ways of documenting the BLST activities and make sure special education files have clear documentation of prior strategies tried. This information is necessary and useful when going through the evaluation process.

The East Central Special Education Unit has recently completed a significant revision of its Policy and Procedures Handbook. This may need to be revisited to ensure that compliance issues identified under Discipline Procedures are addressed.

II. NONDISCRIMINATORY EVALUATION

Any child with a suspected disability must receive a full, individualized evaluation which meets specific standards and includes information from a variety of sources.

The East Central Self-Assessment Report indicated that the Unit, in practice, has done a good job of meeting the federal/state requirements for nondiscriminatory assessment. Multidisciplinary teams utilize tests that are technically sound, culturally/racially appropriate, and administered by trained, credentialed personnel. However, the documentation of those practices needs enhancement in the areas of student profile data, parental participation in assessment, classroom observations and relationship between observation and academic functioning. The Improvement Plan addresses the need for inservice for all special education staff on assessment requirements and documentation. This inservice will include parent involvement in assessment planning and specific learning disabilities (SLD) requirements. The SLD requirements include classroom observations and the relationship of that to academic functioning, addressing the exclusionary clauses, and identifying in which academic area the specific learning disability is identified.

The Verification Review team agreed with the conclusions stated in the Self-Assessment Report. During a review of records, NDDPI monitors found that although parents were notified and signed permission for the evaluation and assessments, there was a lack of evidence of parent participation in the assessment planning. Reevaluations and all required components of the integrated assessment report were done in a timely manner. However, NDDPI monitors noted that for the files of students identified as learning disabled, there was not always appropriate documentation of observation, including the documentation of the behavior to the academic functioning. The NDDPI monitors did find, in SLD files, appropriate documentation of discrepancy, discrepancy not attributed to other causes, educationally relevant medical findings, and effects of environmental, cultural, or economic disadvantage.

During interviews conducted by NDDPI monitors, specific learning disability teachers, were asked to describe how the additional requirements necessary for SLD are addressed. Further probing included questions about how observations are documented, by whom, whether the relationship between observation and academics is noted, documentation of educationally relevant medical findings, and disability not due to lack of instruction. All staff members interviewed were well informed and knew the procedures, which indicates that the appropriate procedures are being followed; however, the documentation needs to be accurately recorded.

NDDPI reviewed and analyzed the data and identified the following areas of strength and areas of noncompliance.

STRENGTH

The NDDPI Verification Review team found that current evaluations were in all files reviewed. The student profile and integrated assessment report have improved considerably since the previous monitoring in 1995. The reports are generally well written and understandable, although certain required components are not always addressed. Interviews with the special education staff members indicated that the evaluation process was appropriately described in detail.

AREAS OF NONCOMPLIANCE

Additional Requirements for Evaluation Children with Specific Learning Disabilities

34 CFR 300.540 - 300.543 describe the additional requirements the school must follow when evaluating a child suspected of having specific learning disabilities. These components include: basis for determination; relevant behavior noted in observation; relationship of observed behavior to academic functioning, and evidence/statement regarding existence of a severe discrepancy between ability and achievement that is not correctable without special education. Some files lacked documentation of observation and/or documentation of the relationship of observed behavior to academic functioning. Also, as discussed under Zero Reject, evidence of intervention strategies such as BLST, were not consistently found.

The NDDPI is aware that the Improvement Plan addresses training in evaluation.

III. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

An IEP team, which includes the child's teacher, the child's parent(s), an administrator, and a special education teacher, must develop an educational program tailored to meet the child's unique needs.

File reviews conducted by the East Central Special Education Unit personnel showed 85% or better compliance in 21 of 22 Individualized Education Program (IEP) areas monitored. Only one component of the IEP, required team members in attendance, was noted to be below the 85% level of compliance. Required IEP team members missing were noted to be general education teachers and/or administrators. Of 19 files reviewed by NDDPI monitors, three files were missing attendance by a school administrator.

Although results included in the East Central Self-Assessment Report for the area of Annual Goals indicated compliance, it was noted in comments by reviewers that goals were vague. In 6 of 19 student IEPs reviewed, NDDPI monitors found that Annual Goals did not include all required components including criteria, purpose, and desired ending level of performance.

The East Central Self-Assessment Report included the tally summary sheet for all required Transition components. Through file reviews and interviews conducted by NDDPI monitors, it was verified that the area of Transition is appropriately addressed for students throughout the unit. Student input is evident and the Transition process seems to be an area of strength for the unit.

NDDPI reviewed and analyzed the data and identified the following areas of noncompliance and suggestions for improved results for children.

AREAS OF NONCOMPLIANCE

IEP Team Members

34 CFR 300.344 describes the required IEP team membership: parents, regular education teacher, special education teacher, representative of the public agency (administrator), a person who can interpret evaluation results, and, if appropriate, the child.

As noted in the East Central Self-Assessment Report, and confirmed by NDDPI monitors, in 3 instances a school administrator did not attend the IEP meeting.

Annual Goals and Short-term Objectives

34 CFR 300.347 requires that goals be measurable and include short-term objectives intended to meet the child's educational needs that result from the child's disability.

Although the East Central Self-Assessment Report indicated that Annual Goals were found in all student IEPs reviewed, it was noted by reviewers that the goals were vague. NDDPI monitors noted that 6 of 19 IEPs did not include all required components required for Annual Goals. Missing components included criteria, purpose, and desired ending level of performance.

SUGGESTIONS FOR IMPROVED RESULTS FOR CHILDREN

Short-term Objectives

The East Central Self-Assessment Report indicated 100% compliance for short-term objectives, however, notes from reviewers indicated that (goals and) objectives were vague. NDDPI monitors noted that some short-term objectives found in student IEPs were weak and not clearly related to the general curriculum. Further staff training and capacity building in writing short-term objectives is recommended.

IV. LEAST RESTRICTIVE ENVIRONMENT

To the maximum extent appropriate, children with disabilities must be educated with their non-disabled peers. Placement decisions must be based on the goals and objectives in the child's IEP.

As noted in the East Central Unit Self-Assessment Report, more than one option is discussed when deciding where and how services should be delivered. Educational placements are appropriate and students with disabilities are included in appropriate programming in home districts. Service delivery options for early childhood special education students also include a wide variety of options. This demonstrates significant improvement since the previous monitoring report received by the unit in 1995. The East Central Self-Assessment Report notes that documentation of LRE discussions could be improved upon when completing the IEP. During interviews and file reviews, NDDPI monitors confirmed that LRE issues are appropriately addressed throughout the East Central Unit. When reviewing student files, NDDPI monitors specifically noted that the IEP section regarding potential harmful effects was well documented. This is also a significant improvement since the previous monitoring report issued in 1995.

V. PARENT INVOLVEMENT

Parents have the right to have access to their child's educational records. Parental consent is required for initial evaluation, reevaluation, and placement. Parents must be included in IEP team decisions, and parents must be notified of their right to appeal.

The East Central Self-Assessment Report summarized responses from parent surveys conducted as part of the Collaborative Review process. Parents were provided a survey during Parent-Teacher conferences or a regular special education meeting. Case managers distributed those personally. If a parent did not attend Parent-Teacher conferences, a survey was mailed to them with a self addressed stamped envelope enclosed that could be mailed back to the East Central Office. Parents who returned the survey reported a high degree of satisfaction with their involvement with the school.

NDDPI reviewed and analyzed the data and identified the following area of strength.

STRENGTHS

Schools included in the East Central Special Education Unit often schedule meetings at hours outside of the regular working day in order to accommodate parent needs.

There have been no due process hearing requests, or requests for mediation, filed with the Department of Public Instruction in the past ten years. The Improvement Plan for Special Education indicates that there will be efforts to expand the information and involvement of parents and student. The Unit plans to work with local school committees to forge partnerships with families.

Both the East Central Steering Committee and NDDPI monitors confirmed that parent participation in IEP development was very high. When a parent was not present at an IEP meeting, there was documented evidence of attempts to persuade the parent to attend.

VI. PROCEDURAL SAFEGUARDS

Procedural safeguards, which ensure that fairness of educational decisions, include impartial due process hearings; the right to an independent educational evaluation; written notification to parents explaining their rights; parental consent; and appointment of surrogate parents, when needed.

Procedural safeguards include dispute resolution policies and procedures, independent educational evaluation policies and procedures, written notification to parents explaining rights, parental consent, and appointment of educational surrogate parents, when needed. The East Central Self-Assessment Report indicated that special education personnel are knowledgeable about procedural safeguards in general. Specific areas that may require additional staff training are independent educational evaluations, educational surrogate parents, and private school procedures. Student file reviews conducted by East Central personnel show overall compliance with the nine areas of procedural safeguards monitored. Issues for compliance with procedural safeguards under the assessment process are noted in Section II. of this report.

Student file reviews completed by NDDPI monitors included a review of prior written notice for assessment planning and IEP; record of inspection; record locator; transfer of rights for 18 year old students, and parent consent for initial evaluation and placement. All areas were found to be in compliance.